

HOUSE BILL REPORT

ESSB 6521

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to electrical administration procedures.

Brief Description: Establishing electrical administration procedures.

Sponsors: Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Heavey and Sutherland; by request of Department of Labor & Industries).

Brief History:

Committee Activity:

Commerce & Labor: 2/22/96 [DPA].

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 9 members: Representatives McMorris, Chairman; Hargrove, Vice Chairman; Romero, Ranking Minority Member; Cairnes; Cole; Fuhrman; Goldsmith; Horn and Lisk.

Minority Report: Do not pass. Signed by 2 members: Representatives Conway, Assistant Ranking Minority Member; and Cody.

Staff: Chris Cordes (786-7117).

Background: Electrical contractors must be licensed and electricians must obtain certificates of competency from the Department of Labor and Industries before engaging in the electrical construction business or trade. Contractors must designate a person to be the administrator and to supervise the electrical work and the electricians. Administrators must obtain a certificate.

Electrical contractor license, electrician certificates, and administrator certificates

Expiration dates. Certificates of competency issued to electricians expire on October 31 or April 30, not less than six months nor more than three years immediately following the date of issuance. The holder of the certificate may then apply for renewal every three years on or before the holder's birth date.

License suspension or revocation. The department may revoke or suspend an electrical contractor license or an administrator's certificate for continued noncompliance with the electrical installation laws. The holder of the license or certificate has 15 days to appeal the department's action.

Administrator's examination. A person may take the administrator examination as many times as necessary without limit.

Electrical trainee supervision

Electrician trainees must be supervised on the job by certified electricians, but there is no explicit authority for the department to audit contractor records to verify the hours worked by trainees.

Inspection of electrical installations

The department is authorized to inspect or test the installation of new construction or altered electrical wiring, devices, equipment, or material contained in or on the buildings. No wiring or equipment may be concealed until it has been approved by the inspector.

An investigation by the State Auditor found that the department permits inspectors to inspect covered areas using meters and other inspection methods and questioned whether the department was authorized by law to allow these methods of inspection.

Summary of Amended Bill:

Electrical contractor license, electrician certificates, and administrator certificates

Expiration dates. The expiration date of electrician certificates of competency is changed from October 31 or April 30 to the holder's birthday.

Denial of renewal for unpaid penalties. The Department of Labor and Industries is authorized to deny renewal of an electrician certificate of competency, an administrator's certificate, or an electrical contractor's license if the applicant owes outstanding penalties for a final judgment.

The applicant must be notified by certified mail and has 20 days to appeal the denial. The notice of appeal must be accompanied by \$200, which will be applied to the cost of the hearing if the department's decision is sustained by the board, but will be returned to the applicant if the department's decision is not sustained. The hearing is before an administrative law judge, whose proposed decision must be reviewed by the electrical board.

Revocation or suspension for serious violations. The department's authority to revoke or suspend a contractor's license or an administrator's certificate for continued violations is changed to authority to revoke or suspend for serious violations. The effective date of the notice of revocation or suspension, and the period in which an appeal may be filed, is changed from 15 days to 20 days after the holder of the license or certificate receives the notice.

The department may deny an application for an electrical administrator's certificate for up to two years if the applicant's previous certificate has been revoked for a serious violation of the electrical installation law and all appeals concerning the revocation have been exhausted. The provision that permits a person to take the administrator's test any number of times without limit is modified to exclude a person whose administrator certificate was previously revoked for a serious violation. A serious violation is a violation that presents imminent danger to the public.

Electrical trainee supervision

Supervision of trainees. A requirement is added that the contractor must accurately verify the hours worked by a trainee on behalf of the contractor.

Audit of contractor records. Under certain circumstances, the department may audit the records of an electrical contractor who has verified an electrical trainee's hours of experience. The circumstances authorizing an audit include when (1) excessive hours were reported; (2) hours were reported outside of the normal course of the contractor's business; (3) the type of hours do not reasonably match the type of permits purchased; or (4) there are other similar circumstances demonstrating a likelihood of excessive hours being reported.

The authority to audit is limited to the records necessary to verify the trainee's hours of experience. Information obtained in an audit is confidential and not subject to public disclosure.

Inspection of electrical installations

The prohibition against concealing wire or equipment before an inspection is deleted. At an inspection, the wiring or equipment to be inspected must be sufficiently accessible to permit the inspector to employ any testing method that will verify conformance with the law.

Amended Bill Compared to Engrossed Substitute Bill: The amendment limits the Department of Labor and Industries' authority by adding that when the denial concerns an application for an administrator's certificate from a person with a previous revocation for a serious violation, the denial period is a maximum of two years. The amendment deletes the restriction against taking the administrator's

examination by persons whose certificates were previously revoked for a serious violation. It also deletes the requirement in current law that electrical wiring or equipment may not be concealed until after it has been approved by the electrical inspector.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Department of Labor and Industries has been taking a very close look at the electrical inspection program and has made a number of administrative changes. However, there are several issues that will need statutory change to clarify the law. The new limited authority to audit is needed to verify training requirements. The bill would also codify the department's current policy on what is "sufficiently accessible" to permit an inspection. It does not make sense to require the stripping of walls when large electrical repair jobs need to be done, such as repairing recent flood damage. This bill strengthens the licensing requirements. The department is committed to convening an advisory group to assist in drafting rules to determine when circumstances warrant the revocation of a license.

Testimony Against: The bill adds language to the law that obscures electrical inspection procedures. There is no testing method available that will verify conformance with all requirements of the electrical code if the wiring is concealed. This is a safety issue, and passage of this bill will lead to more shoddy electrical work. There are too few electrical inspectors now to ensure safety. This issue originated as a whistleblower complaint that was upheld by the State Auditor.

Testified: (In favor) Mike Watson, Department of Labor and Industries; and Gary Smith, Independent Business Association. (Opposed) Bruce Schneller.